

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on January 23, 2001 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Edward Butcher (R)
Sen. William Crismore (R)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: Sen. Eve Franklin

Staff Present: Roberta Opel, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 262 and HB 39, 1/19/2001
Executive Action: SB 54
Discussion on SB 104

EXECUTIVE ACTION ON SB 54

CHAIRMAN MIKE SPRAGUE explained new amendments for SB 54 to the Senate Fish & Game Committee members. These amendments would clarify previous confusion related to the dependent clause(s) within the bill, **CHAIRMAN SPRAGUE** noted.

Motion/Vote: SEN. CRISMORE MOVED SB 54 DO PASS AS AMENDED. The motion carried unanimously, 11-0.

Discussion:

Mary Vandenbosch explained new amendments to SB 54.

EXHIBIT (fis18a01) The amendments remove the dependent clause within the bill. Montana servicemen, stationed outside Montana, would now be able to purchase a Montana hunting, fishing and trapping license and maintain their resident status.

SEN. SPRAGUE told fellow committee members that the interim committee bill had been unclear. **SEN. GLEN ROUSH**, sponsor of SB 54, agreed that FWP should clarify language within the bill.

Mary Vandenbosch told the committee that she could not speak for the interim committee but the new amendments accomplished what the interim committee recommended in its report.

EXHIBIT (fis18a02)

SEN. AL BISHOP asked if **SEN. WELLS** needed to be present for voting so that he might comment on the dependent clause within the bill.

SEN. SPRAGUE replied that he had spoken to **SEN. WELLS** and he did not have further concerns regarding the dependent clause.

DISCUSSION ON SB 104

SEN. SPRAGUE said he wanted to clarify that when FWP statute refers to wild game, it is not referring to ducks. He suggested copies of these statutes could be available to constituents of committee members.

SEN. SPRAGUE also told the committee there had been confusion regarding the feeding of game as reflected in a recent newspaper article. Conrad Burns' office had received several telephone calls regarding game feeding, as well.

Beate Galda, Administrator, Law Enforcement, FWP, offered clarification stating that SB 104 would prevent the feeding of game where it created a disease or a public safety problem. FWP would not become involved in a game feeding problem under any other circumstances, she said.

SEN. SPRAGUE posed a game feeding question: if a pile of grass was left in a yard where there had never been a pile of grass, would someone be guilty of feeding game.

Beate Galda replied that under those circumstances, the individual would not be guilty of feeding game unless the feeding caused a problem for a neighbor.

SEN. ED BUTCHER related a story concerning a rancher who left a poor-quality crop unharvested in his field. He wondered if this act would constitute feeding game.

Beate Galda answered that would not be considered feeding game.

SEN. TESTER asked if there would be a violation if food was put out to feed game for picture-taking.

Beate Galda answered that would not be a problem. FWP would bear the burden of proof but liability would always depend on the circumstances.

SEN. EKEGREN asked what if this feeding attracted bears. He further inquired how the department would determine if there was a disease problem associated with a game animal.

Beate Galda replied that if feeding game for picture-taking attracted bears, FWP could cite the individual. If there was a disease outbreak in an area, the department would tie the disease to the animals congregating in that area. She noted that FWP had never taken anyone to court on a disease issue.

SEN. SPRAGUE shared with the committee that FWP had produced a video showing examples of improper game feeding.

HEARING ON HB 39

Sponsor: **REP. DANIEL FUCHS, HD 15, Billings**

Proponents: **Rich Clough, Chief of Operations, Fish, Wildlife & Parks (FWP)**

Opponents: **None**

Opening Statement by Sponsor:

REP. DAN FUCHS, HD 15, presented HB 39 which allows the FWP Commission to designate special fishing waters for children. Currently, there are five fishing ponds for youth in Montana. The bill further authorizes resident youth to purchase a paddlefish tag with their Conservation License.

Proponents' Testimony:

Rich Clough, Chief of Operations, FWP, presented testimony in support of the bill requested by the department.

EXHIBIT (fis18a03)

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. BILL TASH asked **Mr. Clough** if there was a current quota on paddlefish.

Mr. Clough referred the question to **Larry Peterman, Fisheries Administrator, FWP**.

Mr. Peterman noted there is a seasonal limit of 1500 paddlefish on the Yellowstone River; one paddlefish per fisherman.

SEN. BISHOP asked **Mr. Peterman** if the paddlefish quota had ever been reached.

Mr. Peterman replied that the paddlefish quota at the Intake on the Yellowstone River had been reached twice in the past eight (or nine) years.

Closing by Sponsor:

SEN. FUCHS closed the hearing on HB 39 and encouraged passage of the bill.

EXECUTIVE ACTION ON HB 39

Motion/Vote: **SEN. BUTCHER MOVED HB 39 DO PASS. The motion carried unanimously, 9-0.**

EXECUTIVE ACTION ON SB 238

Discussion:

SEN. TESTER explained to committee members that the fiscal note indicates that SB 238 would double available funds for migratory game bird habitat.

SEN. SPRAGUE said there would be an increase to the budget of \$112,950 in FY 2003.

SEN. TESTER reminded the committee that these funds would go toward habitat for migratory game birds rather than to the general fund.

Motion/Vote: SEN. TESTER MOVED SB 238 DO PASS. The motion carried unanimously, 10-0.

{Tape : 1; Side : A}

HEARING ON SB 262

Sponsor: SEN. JACK WELLS, SD 14, Bozeman

Proponents: Montana Governor, Judy Martz

Opponents: Dan Hawkins, Montana Shooting Sports Association
Elaine Gagliatio, Philipsburg, representing herself

Opening Statement by Sponsor:

SEN. JACK WELLS, SD 14, presented SB 262 which addresses social security numbers as a requirement on Montana hunting, fishing and trapping licenses.

SEN. WELLS told the committee some Montana hunters have objected to the social security number requirement because they consider it a subtle form of gun control. There is concern, he said, that social security numbers could be linked to firearm purchases. Some of his constituents further objected to the use of social security numbers because of privacy concerns, he concluded.

Proponents' Testimony:

GOVERNOR JUDY MARTZ submitted written testimony in support of SB 262 noting that a subcommittee comprised of both Democrats and Republicans reported that a loss of federal funding would have a major impact on Montana's welfare system and its welfare reform program. **EXHIBIT(fis18a04)**

{Tape : 1; Side : B}

Elaine Gagliatio, Philipsburg, testified about her personal concerns with social security numbers as a requirement. She asked the committee if a hunting license could be purchased without a social security number. "Are we more interested in finding the so-called deadbeat mom's and dad's or just protecting our money from the federal government?" she asked.

Opponents' Testimony:

Dan Hawkins, representing Montana Shooting Sports Association,

testified the organization objects to the bill based on the contingency nature.

Questions from Committee Members and Responses:

SEN. DEBBIE SHEA asked **SEN. WELLS** to identify the percentage of those who do not have their social security numbers on their driver's licenses.

SEN. WELLS said he was unsure of this percentage.

SEN. BUTCHER asked **Mr. Hawkins** to establish for the committee how firm, in principle, his position would be.

Mr. Hawkins said passage of the bill would not be preferable.

SEN. SPRAGUE asked **Mr. Hawkins** if the Montana Shooting Sports Association would consider granting more patience to the process in light of the Governor's support of the bill.

Mr. Hawkins said he was encouraged by the Governor's testimony and the intent of her administration. Professionally, however, identity theft and misuse of social security numbers has a tremendous influence on the security and integrity of information in our country.

SEN. SPRAGUE asked **Dave Mott, FWP**, to explain the automatic dial-up program being implemented by FWP and how the program would work if the numbering system is used in place of social security numbers.

Mr. Mott told the committee that FWP is in the process of implementing a system to replace paperwork at license agents which should improve individual security.

SEN. JON TESTER asked who kept these license records.

Dave Mott, replied that FWP would have the initial records from the hunter and angler which are later transferred to the Department of Public Health and Human Services (DPHHS).

SEN. TESTER asked if FWP records were open to the public.

Mr. Mott said current law states any record can be examined but not copied. Driver's license numbers would be on the hunting license with a cross-match between the justice and health and human services departments, he explained.

SEN. BUTCHER said his constituents were concerned about the gun-tracking aspect of the legislation. He asked if anything was being accomplished by removing social security numbers.

Mr. Mott stated presently, FWP would shares license information with DPHHS **only**. Information cannot be given to the federal government, he added. Mr. Mott referred further discussion to **Mary Ann Wellbank**, Administrator, Child Support Enforcement.

SEN. BUTCHER asked if FWP shared the list of obligated parents with any other agencies.

Mary Ann Wellbank stated that DPHHS takes records with missing information regarding obligated parent and sends them, via computer interface, to FWP for a match.

SEN. SPRAGUE explained that the automated system would identify a non-resident hunter who is also an obligated parent. Currently, there is reciprocity for this program with 12 other states.

SEN. BUTCHER asked if Montana's entire hunting list was shared with the reciprocal states.

SEN. SPRAGUE said the reciprocal states send Montana a list of their "quote, bad guys."

Beata Galda, FWP, told the committee FWP is a member of the Wildlife Violator Compact where there is a shared database accessible by all 12 states.

SEN. PETE EKEGREN asked **SEN. WELLS** if he had been working with the sponsor of HB 282.

SEN. WELLS said he would support the bill because he supports hunters and fishermen.

Closing by Sponsor:

SEN. WELLS thanked both proponent **Gov. Judy Martz** and opponents' of the bill. He stated the bill would be an interim compromise that would satisfy both sides of the issue. **SEN. WELLS** added that he, too, wanted to protect the privacy of Montana citizens.

Discussion:

SEN. SPRAGUE agreed to carry HB 39.

ADJOURNMENT

Adjournment: 4:30 P.M.

SEN. MIKE SPRAGUE, Chairman

ROBERTA OPEL, Secretary

MS/RO

EXHIBIT (fis18aad)